

EXHIBIT K

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MARK DUBLINO,

Plaintiff,

REQUEST TO ADMIT

vs.

Case No. 6:19-cv-6269-DGL

SGT. JUSTIN BIEGAJ, SGT. ROBERT DEE, DEPUTY
BRIAN THOMPSON, DEPUTY FRANK GELSTER,
SGT. MR. CROSS, SGT. MR. ROBINSON, DEPUTY
MR. P. GIARDINA, DEPUTY SHAWN WILSON,

Defendants.

Pursuant to F.R.C.P. 36, defendants request that plaintiff respond within 30 days to these requests by admitting, for purposes of this action only, and subject to admissibility at trial:

1. The genuineness of the document attached as **Exhibit A**, entitled New York State Commission of Correction Inmate Grievance Form.
2. That each of the following statements is true:
 - a. Exhibit A is a grievance written by plaintiff Mark Dublino.
 - b. Exhibit A was submitted to Erie County Holding Center staff on March 11, 2018 at 3:00 p.m.
 - c. Exhibit A concerns issues with mail and postage.
 - d. Exhibit A was sent from Gulf East, cell 33.
 - e. Gulf East, cell 33 was plaintiff Mark Dublino's cell as of March 11, 2018.
 - f. As of March 11, 2018, the grievance process was available to plaintiff Mark Dublino.
 - g. Plaintiff Mark Dublino did not submit any other grievances to Erie County Holding Center staff after March 9, 2018.

Dated: Buffalo, New York
June 15, 2021

MICHAEL A. SIRAGUSA
Erie County Attorney
Attorney for defendants


Erin E. Molisani
Assistant County Attorney
95 Franklin Street, Room 1634
Buffalo, New York 14202
Telephone: (716) 858-2216
Email: erin.molisani@erie.gov

EXHIBIT A

New York State Commission of Correction
Inmate Grievance Form
Form SCOC 7032-1 (11/2015)

Facility: Erie County Holding Center

Housing Location: Gulf East 33

Name of Inmate: Dublino, Mark (ICN: 147472)

Grievance #: 18G-

Brief Description of the Grievance (Submitted by the grievant within 5 days of occurrence)

Number of Sheets Attached ()

ON 2/1/18 I PURCHASED A U.S POSTAL PREDPAID BOX. I FILLED IT WITH LEGAL PAPERWORK AND THEN SEALED IT. DEE HARDEY TOOK THE PARCEL TO BE MAILED. AS OF 3/9/18 THIS PARCEL DID NOT REACH THE DESTINATION 153 TOWERING RD. CHELSEA NY 14225. I ALSO SENT A PARCEL 8X11 MANILLA ENVELOPE ON 3/7/18 WITH AN OVERNIGHT CHARGE OF \$4.99. MY CONCERN IS IF BOTH PARCELS WERE MAILED.

Action requested by the grievant (Submitted by the grievant within 5 days of occurrence):

Number of Additional Sheets Attached ()

I PAY EXTRA FOR NEXT DAY SERVICE. SO MY LEGAL DOCUMENTS GET TO THE DESTINATION IN A TIMELY BASIS. THIS IS INFRINGING ON MY CIVIL RIGHTS TO PROCESS U.S MAIL. I NEED CONFIRMATION THAT BOTH PARCELS HAVE BEEN FORWARDED TO THE U.S. POSTAL SERVICE BOX ON POST OFFICE. 2018

Grievant Signature: markDate/Time Submitted: MAR 11TH 3:00 PMReceiving Staff Signature: J. Yuen #1558

Date/Time Received: 03/11/18 / 1530

Investigation Completed by: _____

Date Completed: _____

Decision of the Grievance Coordinator

Written decision shall be issued within 5 business days of receipt of grievance and shall include specific facts and reasons underlying the determination

- Non-grievable issue as per 9 NYCRR §7032.4(h) (may not be appealed to CAO)
 - Grievance Accepted
 - Grievance Denied on Merits
 - Grievance Denied due to submitted beyond 5 days of act or occurrence (can be appealed to CAO)
 - Grievance Accepted in part/ Denied in part (Note specific Acceptance/Denial parts below)
-
-
-
-
-
-

Signature of the Grievance Coordinator: _____

Date: _____

CERTIFICATE OF SERVICE

I hereby certify that on June 15, 2021, I mailed the foregoing Request to Admit by United States Postal Service, to the following individual:

Steven V. Modica, Esq.
Modica Law Firm
2430 Ridgeway Avenue
Rochester, New York 14626

DATED: Buffalo, New York
June 15, 2021

MICHAEL A. SIRAGUSA, ESQ.
Erie County Attorney
Attorney for defendants

By: /s/ Erin Molisani
Erin E. Molisani, Esq.
Assistant County Attorney
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